

Aquatic Invasive Species Advisory Council
April 26, 2012
Minutes

Bill Creal welcomed everyone to the meeting and had everyone introduce themselves, indicate who they represent, and what they do. The Council went over some housekeeping issues: sign-in sheet, review of member list for corrections, and lunch.

Bill Creal asked the Council if they wanted decision making to be done by majority vote or consensus. It was decided to go by consensus but to record those issues the Council is not able to agree on.

The issue of additional nonvoting members on the Council was briefly discussed. The Council is fine with Patty Birkholz, Director, Office of the Great Lakes, serving on the Council as a nonvoting member. Any other requests for nonvoting members will be discussed by the Council as the requests are received.

Other positions for the Council other than a chair, such as: vice chair, secretary, etc., was discussed. It was suggested that the Council have a vice chair in case Bill Creal, Chair, is not able to attend a meeting. Bill indicated that if he is not able to attend a meeting, there would be a representative for him at the meeting. There may also be a need for technical committees/subcommittees in the future as council work progresses. Laura Smith, Water Resources Division, will remain the secretary to the Council.

Sarah Lesage presented a brief review of the slides presented during the April 6, 2012, Council meeting (available on the Aquatic Invasive Species [AIS] Web page, www.michigan.gov/aquaticinvasives) on the United States Coast Guard's (USCG) and the Department of Environmental Quality's (DEQ) ballast water regulations, and the United States Environmental Protection Agency's (USEPA) draft vessel general permit (VGP). The draft Clean Water Act, Section 401 Water Quality Certification was distributed and discussed. The draft certification will be on public notice May 7 through June 4, 2012.

Commander Ryan Allain, USCG, gave an overview of USCG's ballast water regulations (available on the AIS Web page).

- Drydock, which refers to all means of removing a vessel from the water, is required at least 2 times every 5 years. The ship operator can ask for an extension from the USCG, which is reviewed by USCG Headquarters.
- The USCG and USEPA signed a Memorandum of Understanding on February 14, 2011, to cooperate on vessel compliance with the VGP. The USCG does not enforce state Section 401 regulations.
- You cannot determine at what rate AIS will propagate but meeting the IMO standard is better than ballast water exchange.
- The USCG's final ballast water rule was published in the *Federal Register* on March 23, 2012, and is effective 90 days after publication, which is June 21, 2012.

- The USCG is amending its regulations on ballast water management by establishing a standard for the allowable concentration of living organisms in ballast water discharged from ships in waters of the United States. The Coast Guard is also amending its regulations for engineering equipment by establishing an approval process for ballast water management systems.

Phyllis Green showed a video about what goes on under the Great Lakes. There are currently more quagga mussel and cladophora than ever before on the bottom of the lakes and on items in the lakes (i.e., shipwrecks, sunken boats, etc.), which is causing botulism and death in fish.

The Council discussed the position papers that were shared by some of the Council members.

It was agreed by the Council that the draft 401 Certification as presented to the Council will be public noticed with the addition of the 5 questions below that the Council developed at today's meeting.

1. How could the certification be improved to provide greater predictability for industry?
2. What is the best way to incentivize better/improved ballast water treatment technology or management practices?
3. What other science is needed to demonstrate invasion risks posed to the Great Lakes by ballast water?
4. What type of information does industry need in order to comply with this 401 certification?
5. What other science is needed to demonstrate efficacy of ballast water treatment technology?
6. What can state or federal governments do to provide leadership (including funding) that will advance the development of technology?

Sarah LeSage provided an update of the State Management Plan (SMP). An AIS stakeholder/public meeting was held on April 12, 2012, to discuss the SMP. Funding for the Council was discussed; some funding has been used for education and outreach projects. A request for grant funds through the Great Lakes Restoration Initiative was recently submitted by the DEQ. If awarded, the grant would fund the AIS Core Team and the update and implementation of the SMP. There was a lot of discussion regarding HACCP (Hazard Analysis and Critical Control Points). Timeline for the SMP: public notice period ends May 1, 2012; prepare draft by July 1, 2012; route internally; submit to the Governor's office by August 1, 2012; and submit final to the Federal Aquatic Nuisance Species Task Force by October 1, 2012.

Sarah LeSage provided the current status and needs of organisms in trade. Risk assessment will be a major task to address. The risk assessment processes shall consider potential net harm to public health and safety, the environment and natural resources, and the economy. The processes shall place the burden to demonstrate the harmlessness of an aquatic species or pathway on the importer or other person responsible for introduction or distribution. The risk assessment process for species

shall classify species into 3 lists: "prohibited", "permitted", and "restricted." Timeline for Organisms in Trade: comprehensive report to be completed within 240 days, which is August 1, 2012. The Council needs to determine how they will meet this deadline.

The Council requested that all of the upcoming timelines and deadlines be compiled and distributed to the Council, which Sarah LeSage agreed to do.

Next meeting: June 6, 2012, 9:00 a.m.-5:00 p.m., Constitution Hall, Con Con A and B Conference Rooms, Atrium. A conference line will be provided. It was decided that half of the day will be spent discussing the draft 401 Certification comments and the other half will be spent discussing the SMP.

Meeting adjourned at 4:00 p.m.